

ORDINANCE NO. 92- / _____

TOWNSHIP OF PENN FOREST
COUNTY OF CARBON
COMMONWEALTH OF PENNSYLVANIA

AN ORDINANCE REGULATING THE DISPOSAL OF SOLID WASTE WITHIN THE TOWNSHIP OF PENN FOREST, COUNTY OF CARBON AND COMMONWEALTH OF PENNSYLVANIA, PROVIDING DEFINITIONS, ESTABLISHING GENERAL REQUIREMENTS FOR A PERMIT APPLICATION, PERMIT FEES, FURTHER PROVIDING REQUIREMENTS AND STANDARDS FOR SANITATION, ESTABLISHING PENALTIES AND LAW ENFORCEMENT PROVISIONS, PROVIDING FOR SEVERABILITY OF PROVISIONS, AND ESTABLISHING EFFECTIVE DATE.

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Penn Forest Township, Carbon County, Pennsylvania, and it is hereby enacted and ordained by authority of the same, pursuant to the provisions of the Municipal Waste Planning, Recycling and Waste Reduction Act, 53 P.S. §4000.101 et seq.; the Solid Waste Management Act, 35 P.S. §6018.101 et seq.; and the Second Class Township Code, §65708.

ARTICLE I

INTENT AND DEFINITIONS

Section 1.01 - Statement of Intent

The intent of this Ordinance is to:

- (a) promote the general health, welfare and safety of the Township;
- (b) provide for the orderly disposal of solid waste;

(c) provide for the sanitation of the Township by regulating the disposal of solid waste.

(d) prevent an undue and unreasonable amount of solid waste from accumulating at a depository by limiting the types of solid waste that may be disposed of at a depository.

Section 1.02 - Definitions

The definitions used in this Ordinance are to have the same meaning as described in the Pennsylvania Solid Waste Management Act, 35 P.S. 6018.101, et seq., as amended, and the statutes, rules and regulations now or hereafter promulgated in accordance with said Act, unless and to the extent defined otherwise in this Ordinance.

(a) Administrator - The person or persons authorized by the Township to enforce the provisions of this Ordinance, review permit applications, issue permits and collect fees.

(b) Bulky Waste - Shall mean large items of non-hazardous solid waste including, but not limited to, appliances, furniture, large auto parts, trees, branches or stumps, and such other similar items which may require special handling due to size, shape or weight and which the Supervisors allow to be disposed of at a depository.

(c) Depository - A transfer facility established by the Township for the collection of residential waste or light commercial waste.

(d) Development - An approved subdivision or land development having more than 50 household units.

(e) Household Unit - Shall mean any room or group of rooms located within a dwelling or building and forming a single habitable unit with facilities which are used for living, sleeping, cooking or eating.

(f) Leaf Waste - Leaves, grass clippings, garden residues, shrubbery and tree trimmings, and similar material.

(g) Licensed Collector - A solid waste collector or hauler possessing a current, valid license issued by Carbon County.

(h) Light Commercial Waste - Shall mean non-hazardous solid waste of the same type as residential waste, but not in fact created or produced by a household.

(i) Permit - A permit issued by the administrator enabling the holder to dispose of residential waste or light commercial waste at a depository in accordance with the provisions of this Ordinance.

(j) Person - Any natural person, association, partnership, firm or corporation. In any provisions of this Ordinance prescribing a fine, imprisonment or penalty, or any combination of the foregoing, the term "person" shall include the officers and directors of any corporation or other legal entity having officers and directors.

(k) Replacement Permit - A permit issued to replace a previously issued permit prior to the expiration date thereof, when such original permit has been lost, damaged or destroyed.

(l) Residential Waste - Shall mean non-hazardous solid waste ordinarily and typically created or produced by a household and, in

fact, created or produced by a household, including, but not limited to:

(1) rags, paper, glass, bottles, cans, crockery, plastic containers, and other similar small household refuse; and,

(2) animal and vegetable wastes, attending or resulting from the handling, dealing, storing, preparation, cooking and consumption of foods.

Residential waste does not include bulky waste or leaf waste.

(m) Supervisors - the Board of Supervisors of Penn Forest Township.

(n) Solid Waste - Any waste, including but not limited to, municipal, residual or hazard wastes, including solid, liquid, semi-solid or contained gaseous materials.

(o) Township - Penn Forest Township, Carbon County, Pennsylvania.

ARTICLE II

DISPOSAL OF SOLID WASTE

Section 2.01 - Disposal of Residential Waste

All residential waste produced or accumulated at any place within the Township shall be disposed of at a depository.

Section 2.02 - Disposal of Light Commercial Waste

Light commercial waste produced or accumulated within the

Township may be disposed of at a depository upon approval by the Administrator.

Section 2.03 - Disposal of All Solid Waste Other Than Residential Waste and Light Commercial Waste Disposed of at Depository

All solid waste produced or accumulated at any place within the Township, other than residential waste and light commercial waste disposed of at a depository, shall be collected and disposed of by a licensed collector, privately contracted for by the person producing or creating the solid waste or on whose property the solid waste is accumulating.

ARTICLE III

DEPOSITORIES

Section 3.01 - Establishment

The Supervisors shall establish and maintain a depository at such location or locations within the Township as they may from time-to-time deem desirable.

Section 3.02 - Hours of Operation

The Supervisors shall have the authority to establish, by resolution duly adopted at any regular or special meeting of the Supervisors, the hours of operation of any depository established pursuant to Section 3.01 hereof. The hours of operation shall be posted in a conspicuous manner at all such depositories.

Section 3.03 - Employees

The Supervisors shall have the authority to hire and employ

such personnel as they may deem necessary to operate the depository, enforce rules and regulations pertaining thereto, and to issue permits required under Article V hereof.

Section 3.04 - Rules and Regulations

The Supervisors shall have the power to adopt by resolution at any regular or special meeting of the Supervisors such rules and regulations as they may deem necessary and appropriate to assure the orderly disposal of residential or light commercial waste at all depositories, including but not limited to number of containers, types of containers, size of containers, separation of types of residential or light commercial waste, and prohibition of noxious, inflammable, radioactive or poisonous materials. All such rules and regulations shall be conspicuously posted at each depository.

ARTICLE IV

LICENSED COLLECTORS

Section 4.01 - Solid Waste to be Transported by Licensed Collectors

Except to transport residential or light commercial waste to a depository, no person shall collect, remove, haul, or transport any solid waste upon or through any street or alley of the Township without first obtaining a license from Carbon County.

Section 4.02 - Licensed Collectors to Comply with Regulations for Collection and Transportation of Solid Waste

All licensed collectors and licensed waste haulers shall comply with the minimum standards for collection and transportation of

solid waste set forth in 25 Pa. Code, Chapter 285, Chapter B, Regulations for Collection and Transportation of Municipal Waste.

Section 4.03 - Solid Waste to be Disposed of Pursuant to County Municipal Waste Management Plan

All solid waste collected within the Township shall be conveyed or transported to a transfer station, processing facility, and/or disposal site designated by Carbon County pursuant to the approved Municipal Waste Management Plan for Carbon County.

ARTICLE V

ADMINISTRATION

Section 5.01 - Issuance of Permit to Dispose of Residential Waste at a Depository

The Administrator shall bill each household unit in the Township the amount of the residential waste permit fee as established by the Supervisors. Upon payment of the permit fee, the household shall receive a permit to dispose of residential waste at a depository.

Section 5.02 - Person Responsible to Pay Permit Fee to Dispose of Residential Waste

The owner(s) of the household unit and the person producing or creating the residential waste, if different from the owner(s), shall be jointly and severally responsible to pay the permit fee.

Section 5.03 - Application Procedure to Dispose of Light Commercial Waste at a Depository

Application for a permit to dispose of light commercial waste

at a depository shall be in writing to the Administrator on such form as may be adopted by the Supervisors. Such application shall contain at least the following information:

- (1) name and address of applicant;
- (2) certification that applicant owns a business in the Township which will produce or create light commercial waste.
- (3) certification that applicant will not use the permit to dispose of anything other than light commercial waste;
- (4) certification that applicant will abide by all rules and regulations governing use of the depository.

Section 5.04 - Permit Fee

(a) The permit fees shall be set by resolution duly adopted at any regular or special meeting of the Supervisors;

(b) In addition to the permit fees, a fee for bulky waste shall be set by resolution duly adopted at any regular or special meeting of the Supervisors. The Supervisors may by resolution duly adopted at any regular or special meeting of the Supervisors designate certain periods throughout the year as clean-up periods during which time no additional fee will be charged for the disposal of items described in this subsection 5.04(b).

(c) In addition to the permit fees, a per bag fee shall be set by resolution duly adopted at any regular or special meeting of the Supervisors for persons without permits who wish to dispose of residential waste at a depository (including household units in a

development exempt under Article VII) and persons who wish to dispose of more bags of residential or light commercial waste than is allowed by permit.

Section 5.05 - Replacement Permits

The Administrator shall issue replacement permits, for good cause, upon the payment of One Dollar (\$1.00). Said permit shall expire on the first June 30 following the date of the issuance of the replacement permit.

Section 5.06 - Display of Permits

The Permit shall be displayed on the front driver's side bumper of the Applicant's motor vehicle in a conspicuous manner. In the event that Applicant's motor vehicle is not equipped with a front bumper, then, the permit shall be displayed on the front of Applicant's vehicle in a conspicuous manner. (Suggested on windshield under mirror.)

Section 5.07 - Form of Permits

The Supervisors shall have the authority to select, designate and design the form of the permit. The Township may change the color, size or form of the permit from year-to-year.

ARTICLE VI

ENFORCEMENT

Section 6.01 - Prohibited Activities

No person shall:

- (a) dispose of residential waste other than at a depository;

(b) dispose of solid waste at any depository in violation of posted rules and regulations;

(c) dispose of solid waste in, at or near any depository at any time when said depository is not open;

(d) dispose of solid waste in any depository without displaying a current permit in the manner required hereunder;

(e) use a depository for the disposal of other than light commercial or residential waste;

(f) deposit or permit to accumulate solid waste on highways, vacant lots or other property or to be thrown in any stream or other body of water;

(g) dispose in a depository solid waste generated from sources outside of the boundaries of Penn Forest;

(h) except for transporting light commercial or residential waste to a depository, it shall be unlawful for any person to collect, haul, transport or remove any solid waste from public or private property within the Township without a current, valid license to do so issued by Carbon County.

Section 6.02 - Violations and Penalties

A violation of this Ordinance shall be deemed to be a summary offense and any person convicted of the violation of any of the provisions of this Ordinance shall be sentenced to pay a fine of not less than One Hundred (\$100.00) Dollars and costs, and not more than Three Hundred (\$300.00) Dollars and costs, and in default thereof,

shall be sentenced to imprisonment in the Carbon County Prison for a period of time not exceeding thirty (30) days. The penalties and remedies prescribed by this Ordinance shall be deemed concurrent and the existence or exercise of any remedy shall not prevent the Township from exercising any other remedy hereunder, at law or in equity, including but not limited to bringing a civil action for non-payment of the permit fee.

Section 6.03 - Public Nuisance

Any violation of any provision of this Ordinance, any rule or regulation of the Township, or any term or condition of any permit, shall constitute a public nuisance. Any person or municipality committing such a violation shall be liable for the costs of abatement of any pollution and any public nuisance caused by such violation.

Section 6.04 - Permit Revocation

After any permit has been issued by the Administrator and it shall thereafter appear that the terms and conditions of the permit have been violated, or that any of the statements set forth in the application are false or incorrect, or incomplete in a material respect, the Township shall, after notice and an opportunity for a hearing, have the power to revoke said permit.

ARTICLE VII

EXEMPTIONS

Section 7.01 - Exemption for Developments

If a development, through its homeowners association or other

similar entity, contracts with a licensed collector to collect and dispose of all residential waste produced or accumulated within the development, upon approval by the Supervisors under Section 7.02, the household units in such a development do not have to dispose of the residential waste produced or accumulated on their property at a depository.

Section 7.02 - Application for Exemption by a Development

If a development desires and exemption under this Article it must deliver to the Administrator, on or before March 1 of each year in which an exemption is requested, a written request for such exemption, (executed by the homeowners association or other similar entity), a copy of the contract with the licensed collector, a copy of the licensed collector's license issued by Carbon County, and a list of all household units whose residential waste will be collected and disposed of by the licensed collector. The Supervisors shall act on said request for exemption within 60 days after it is delivered to the Administrator and notify the entity executing the written request of its action within a reasonable time thereafter.

Section 7.03 - Termination of Exemption

If a development requests and is granted an exemption under this Article, and the development subsequently decides to dispose of the residential waste produced or accumulated within the development at a depository or fails in any year to deliver to the Administrator the materials listed in Section 7.02, it shall so notify the Supervisors in

writing that it desires to terminate its exemption. It shall be within the Supervisors discretion to determine when the household units in said development may begin disposing of their residential waste at a depository.

Section 7.04 - Effect of Exemption of Development Upon Household Units Within Development

If a development requests and is granted an exemption under Section 7.01, the individual household units within the development shall not be required to obtain a permit and shall not be billed a permit fee. However, if such a household unit does desire to purchase a permit to dispose of its residential waste at a depository it shall make application for a permit to the Administrator. It shall be in the Administrator's discretion whether to issue a permit to such a household unit.

ARTICLE VIII

GENERAL PROVISIONS

Section 8.01 - Repeal

All ordinances or resolutions insofar as they are inconsistent herewith, be and the same are hereby repealed.

Section 8.02 - Severability

The provisions of this Ordinance are severable and if any provisions or part thereof shall be held invalid or unconstitutional or inapplicable to any person or circumstances inapplicability shall not affect or impair the remaining provisions of this Ordinance. It is

hereby declared as the intent of the Board of the Township, that this Ordinance shall have been adopted had such unconstitutional, illegal or invalid sentences, clause, section or part thereof not been included therein.

Section 8.03 - Effective Date

This Ordinance shall become effective five (5) days after its enactment by the Board of Supervisors of Penn Forest Township.

ENACTED AND ORDAINED as an Ordinance by the Board of Supervisors of Penn Forest Township, Carbon County, Pennsylvania, this *1st* day of *June*, 1992.

BOARD OF SUPERVISORS

[Signature]

Chris Rau

Jared W. H. Behr

Judith M. Knappenberger

[Signature]

ATTEST:

Clara E. Balliet

Secretary